

United States District Court
Northern District of California

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE R. ARELLANO GUERRA,

Defendant.

Case No.: CR 04-0253 PJH-1 (KAW)

ORDER OF DETENTION PENDING
SUPERVISED RELEASE VIOLATION
HEARING

On May 5, 2005, Defendant Jose Arellano Guerra was convicted of a violation of 21 U.S.C. § 846 (conspiracy to possess with intent to distribute five kilograms or more of cocaine). He was sentenced to 70 months of custody and five years of supervised release.

The Form 12 presently before the Court alleges that Defendant violated the following condition of his supervised release: that he not commit a new federal, state, or local crime.

At the March 27, 2013 hearing before this Court, Defendant, who was in custody and represented by Assistant Federal Defender Joyce Leavitt, waived his right to proffer information at a detention hearing, while retaining his right to seek release at a later hearing should his circumstances change. Assistant United States Attorney Andrew Huang appeared on behalf of the United States. Probation officer Alexander Bonneville was also present. The Court notes that Defendant is subject to an immigration detainer issued by U.S. Immigration and Customs Enforcement ("ICE") in Riverside.

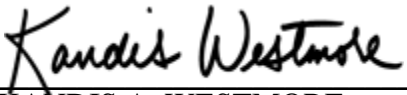
The Court hereby detains Defendant, but because he has waived his right to present information under 18 U.S.C. § 3143(a)(1) without prejudice to raising relevant information at a later hearing, the Court orders that the hearing may be reopened at Defendant's request at any future time.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendant shall remain committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated: March 27, 2013


KANDIS A. WESTMORE
United States Magistrate Judge